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*Attorneys for Defendant Keith R. Shultz, M.D.*

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA,  
BILLINGS DIVISION

DENISE FABRIZIUS and	)	Cause No. 08-114-BLG-RFC
WILLIAM FABRIZIUS,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	<b>STIPULATED</b>
	)	<b>SPECIAL VERDICT</b>
KEITH R. SHULTZ, M.D.,	)	<b>FORM</b>
	)	
Defendant.	)	

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Defendant submits the attached Special Verdict form to which Plaintiffs and Defendant have stipulated.

Dated this 26<sup>th</sup> day of April, 2010.

By: /s/ Lisa A. Speare  
LISA A. SPEARE  
BROWN LAW FIRM, P.C.  
*Attorney for Defendant Keith R. Shultz, M.D.*

**CERTIFICATE OF SERVICE**

I hereby certify that, on April 26, 2010, a copy of the foregoing Stipulated Special Verdict Form was served on the following persons by the following means:

<u>1,2,3</u>	CM/ECF	<u>        </u>	Fax
<u>        </u>	Hand Delivery	<u>        </u>	E-Mail
<u>4</u>	Mail	<u>        </u>	Overnight Delivery Services

1. **Clerk, U.S. District Court**

2. **David Paoli**

Paoli, Latino, Kutzman & Jasper  
257 West Front Street  
P. O. Box 8131  
Missoula, MT 59802

3. **Stephen Ochs, M.D., J.D.**

805 South Reserve Street  
Missoula, MT 59804

4. **Colin M. Simpson**

Simpson, Kepler & Edwards, LLC  
P.O. Box 490  
Cody, WY 82414

BY /s/ Lisa A. Speare  
LISA A. SPEARE  
BROWN LAW FIRM, P.C.  
*Attorneys for Keith R. Shultz, M.D.*

IN THE UNITED STATES DISTRICT COURT  
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DENISE FABRIZIUS and  
WILLIAM FABRIZIUS,

Plaintiffs,

V.

KEITH R. SHULTZ, M.D.,

Defendant.

) ) ) ) ) ) ) ) ) )

Cause No. 08-114-BLG-RFC

## SPECIAL VERDICT

**All six (6) of your number must decide and agree on each of the following questions.**

WE, THE JURY, ANSWER THE FOLLOWING QUESTIONS:

**QUESTION NO. 1:** Was Dr. Shultz negligent?

**ANSWER:**

Yes \_\_\_\_\_ No \_\_\_\_\_

**(NOTE TO JURORS:)**

If you have answered Question No. 1 “NO,” then do not answer any further questions. The foreperson should sign the Special Verdict form on page 3. The bailiff should be notified that the jury has concluded its deliberations and reached a verdict. The bailiff will then notify the Judge and return you to the courtroom.

If you have answered Question No. 1 “YES,” then you must answer Question No. 2.

**QUESTION NO. 2:** Was Dr. Shultz’s negligence a cause of the injury to Denise Fabrizius?

**ANSWER:**

Yes \_\_\_\_\_ No \_\_\_\_\_

If you have answered Question No. 2 and your answer is “NO,” do not answer any further questions. The foreperson should sign the Special Verdict form on page 3. The bailiff should be notified that the jury has concluded its deliberations and reached a verdict. The bailiff will then notify the Judge and return you to the courtroom.

If you have answered Question No. 2 and your answer was "YES," then you must answer Question No. 3.

**QUESTION NO. 3:** What is the amount of Plaintiffs' damages?

**ANSWER:**

Past medical care, treatment and services	\$ _____
Future medical care, treatment and services	\$ _____
Past lost earnings	\$ _____
Future lost earnings	\$ _____
Past loss of household services	\$ _____
Future loss of household services	\$ _____
Loss of enjoyment of life	\$ _____
Physical pain and emotional pain and suffering	\$ _____
Billy Fabrizius' loss of consortium	\$ _____
<b>TOTAL</b>	<b>\$ _____</b>

After answering the questions, date and sign the Special Verdict form and contact the bailiff.

DATED this \_\_\_\_\_ day of May, 2010.

\_\_\_\_\_  
FOREPERSON